

RECEIVED IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

1999 JUN 17 P 4:08

FILED

JUN 17 1999

THOMAS C. CAVER, CLERK
BY _____
DEPUTY CLERK

THOMAS C. CAVER, CLK
U.S. DISTRICT COURT
NORTHERN DIVISION
IN RE EMPLOYMENT DISCRIMINATION
LITIGATION AGAINST THE STATE OF
ALABAMA, et al.:

EUGENE CRUM, JR., et al.,

Plaintiffs,

v.

STATE OF ALABAMA, et al.,

Defendants.

ALVA MOORE,

Plaintiff-Intervenor,

v.

STATE OF ALABAMA, GOVERNOR DON
SIEGELMAN, STATE OF ALABAMA PERSONNEL
DEPARTMENT, STATE OF ALABAMA
DEPARTMENT OF HUMAN RESOURCES,
and its Commissioner TONY PETELOS,

Defendants.

2:07cv448-MHT

CIVIL ACTION NO.:

CV-94-T-356-N

353

CHARLES CHINAKWE,

Plaintiff-Intervenor,

v.

STATE OF ALABAMA, GOVERNOR DON
SIEGELMAN, STATE OF ALABAMA PERSONNEL
DEPARTMENT, STATE OF ALABAMA
DEPARTMENT OF AGRICULTURE and
INDUSTRY, its Former Commissioner
A.W. TODD, and Commissioner JACK THOMPSON,

Defendants.

CECIL FAGG,

Plaintiff-Intervenor,

v.

STATE OF ALABAMA, GOVERNOR DON
SIEGELMAN, STATE OF ALABAMA PERSONNEL
DEPARTMENT, STATE OF ALABAMA
DEPARTMENT OF INDUSTRIAL RELATIONS
and ALICE McKINNEY, Its Director,

Defendants.

MOTION TO INTERVENE AS PLAINTIFFS-INTERVENORS

COMES NOW the applicants, Alva Moore, Charles Chinakwe, and Cecil Fagg, who, pursuant to Rule 24(b) of the Federal Rules of Civil Procedure applies to this Court for permission to intervene as party plaintiffs in the above-entitled cause. As grounds for this Motion, applicants would show unto the Court as follows:

1. This Motion is timely based upon the following factors:

- (a) Length of Time Applicants Have Known Of Their Interest. The plaintiff-intervenors have been waiting for the issuance of their right-to-sue letters from the EEOC and

Justice Department before seeking intervention into this case. Plaintiff-intervenors have filed this motion within 90 days of the issuance of their right-to-sue letters. Based on these facts, it should be held that there has been no undue delay on the part of the applicants in seeking intervention into this lawsuit.

- (b) Prejudice to Parties from Failure to Move Sooner. The parties will not be unduly prejudiced by the intervention sought herein.
- (c) Prejudice to Applicants if Intervention Denied. Applicants will be unduly prejudiced by the necessity of maintaining individual, separate lawsuits involving complex issues and costly experts, which will be duplicative of the present case.
- (d) Unusual Circumstances. The circumstances of the case militate in favor of intervention as it will prevent duplicative and expensive discovery and the retrial of identical issues.

2. A copy of this Motion is being served upon all parties through their respective counsel.

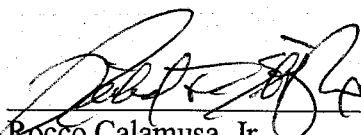
3. The applicants' claims and the claims of the named plaintiffs, plaintiff-intervenors and the putative class in the case at bar involve common questions of law and fact.

4. This Motion is accompanied by applicants' complaint-in-intervention, which is attached hereto.

5. Intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.

WHEREFORE, Premises Considered, applicants respectfully move this Court to permit them intervention into the instant legal action as party plaintiffs.

Respectfully submitted,



Rocco Calamusa, Jr.
Richard J. Ebbinghouse

Counsel for the Plaintiffs, Plaintiff-Intervenor
and Plaintiff Class

OF COUNSEL:

GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.
1400 SouthTrust Tower
Birmingham, AL 35203
(205) 328-0640

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served, either by hand delivery or by placing same in the United States Mail, properly addressed and first class postage prepaid, on this the 17th day of June, 1999 on the following:

Richard H. Walston, Esquire
Haskell, Slaughter, Young & Johnston
1200 AmSouth/Harbert Plaza
1901 6th Avenue North
Birmingham, AL 35203

Thomas T. Gallion III, Esquire
Haskell, Slaughter, Young, Johnston & Gallion
P.O. Box 4660
Montgomery, AL 36103

William F. Gardner, Esquire
R. Taylor Abbot, Jr., Esquire
Cabaniss, Johnston, Gardner, Dumas & O'Neal
700 Park Place Tower
Birmingham, AL 35203

Patrick H. Sims, Esquire
Cabaniss, Johnston, Gardner, Dumas & O'Neal
700 AmSouth Center
P.O. Box 2906
Mobile, AL 36652

William A. Shashy, Esquire
Sasser & Littleton, P.C.
P.O. Box 388
Montgomery, AL 36101-0388

William H. Pryor, Esquire
Deputy Attorney General
Office of the Attorney General
Alabama State House
11 South Union Street
Montgomery, AL 36130

Henry C. Barnett, Esquire
Christopher W. Weller, Esquire
Capell, Howard, Knabe & Cobbs, P.A.
57 Adams Avenue
P.O. Box 2069
Montgomery, AL 36102-2069

John J. Coleman III, Esquire
Edward S. Allen, Esquire
T. Dwight Sloan III, Esquire
Balch & Bingham
P.O. Box 306
Birmingham, AL 35201

Robin G. Laurie, Esquire
Balch & Bingham
P. O. Box 78
Montgomery, AL 36101

Roger L. Bates, Esquire
Hand, Arendall, Bedsole, Greaves & Johnson
900 Park Place Tower
2001 Park Place North
Birmingham, AL 35203

William J. Huntley, Jr., Esquire
Huntley & Associates, P.C.
P.O. Box 370
Mobile, Alabama 36601

Honorable Mary E. Pilcher
Webb & Eley, P.C.
P. O. Box 238
Montgomery, AL 36101

Honorable Mary E. Culberson
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130

R. Frank Ussery, Esquire
General Counsel, Alabama State
Personnel Department
3rd Floor, Suite 327-A
64 North Union Street
Montgomery, AL 36103

Honorable Gwendolyn B. Garner
John J. Breckenridge, Jr., Esquire
Counsel, Alabama Department of Revenue
50 North Ripley Street, Room 4116
Montgomery, AL 36130

William T. Stephens, Esquire
General Counsel, Retirement Systems
of Alabama
135 South Union Street
Montgomery, AL 36130-4104

John R. Wible, Esquire
General Counsel, Alabama Department
of Public Health
434 Monroe Street
Montgomery, AL 36130

Andrew W. Redd, Esquire
General Counsel, Alabama Department
of Corrections
3rd Floor, S. Gordon Persons Building
50 North Ripley Street
Montgomery, AL 36130

R. Marcus Givhan, Esquire
Counsel, Alabama Commission
on Physical Fitness
Office of the Attorney General
5720 Carmichael Road
Montgomery, AL 36117

Honorable Sharon E. Ficquette
Honorable Margaret L. Fleming
Counsel, Alabama Department
of Human Resources
Office of the Attorney General
S. Gordon Persons Building, Room 2122
50 Ripley Street
Montgomery, AL 36130

Jim R. Ippilito, Jr., Esquire
General Counsel, Alabama Department
of Education
S. Gordon Persons Building, Room 5103
50 North Ripley Street
Montgomery, AL 36130

David J. Dean, Esquire
General Counsel, Alabama Department
of Conservation
64 North Union Street, Room 751
Montgomery AL 36130

Honorable Gilda B. Williams
Counsel, Commission on Aging
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130

Edward E. Davis, Esquire
Counsel, Alabama Department
of Economics & Community Affairs
401 Adams Avenue
P.O. Box 5690
Montgomery, AL 36103

Honorable Renee D. Culverhouse
Counsel, Alabama Industrial Development
Training Agency
401 Adams Avenue, Suite 710
Montgomery, AL 36104

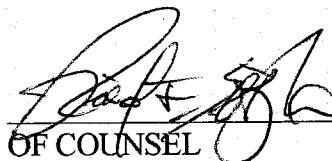
Honorable Angela C. Turner
Counsel, Alabama Department of Labor
Office of the Attorney General
Alabama State House
11 South Union Street
Montgomery, AL 36130

Gary R. Trawick, Esquire
Milton J. Westry, Esquire
Counsel, Alabama Department
of Mental Health
P.O. Box 3710
Montgomery, AL 36109

William O. Butler III, Esquire
General Counsel, Alabama Medicaid Agency
501 Dexter Avenue
P.O. Box 5624
Montgomery, AL 36103-5624

Frank D. Marsh, Esquire
General Counsel, Alabama Department
of Industrial Relations
649 Monroe Street, Room 211
Montgomery, AL 36130

Honorable Mary Beth Martin
U.S. Department of Justice
Civil Rights Division
Employment Litigation
P.O. Box 65968
Washington, DC 20035



OF COUNSEL